IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 10998 of 2001

Between:

Mr.B.Vara Prasad S/o.late B.Narasimha Rao
MCH NO.2-2-18-18-3/1, (C-32/6) Durgabai Deshmukh Colony, Bagh Amber Pet, Hyderabad-500013 (A.P)

..... PETITIONER

AND

1 Hyderabad Metropolitan Water Supply & Sewerage Board, represented by it's Managing Director,

Beside State Bank of India
(Khairthabad Branch), Khairthabad,Hyderabad-500004 (A.P)
2 State of Andhra Pradesh,
represented by its Principal Secretary, Department of Municipal Administration, Secretariat,

Saifabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct respondent No.1 (1) to perform mandatory statutory duty (imposed under Section 7(1) (a) of Hyderabad Metropolitan Water Supply & Sewerage Act, 1989) to supply (sufficient quantity of) potable, pollution free water to citizens of city of Hyderabad; and (2) to perform the following acts, which are necessary to perform the mandatory statutory duty, namely, (a) to replace rusted, worn out, broken, faulty pipelines of water supply by new and rust proof pipelines; (b) to restore daily water supply (at the earliest possible time) to citizens of city of Hyderabad; (c) to evolve (after consultation with respondent No.2) and submit (for consideration by High Court) a master plan suggested in para 30 of the affidavit; and (d) to implement that master plan with such modifications, if any, as may be suggested by High Court.

Counsel for the Petitioner : MR. B. VARA PRASAD, ADVOCATE, PARTY-IN-PERSON

Counsel for the Respondents : GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1 . This writ petition was filed on 27.04.2001 by the petitioner, who is a resident of Hyderabad and Advocate, seeking direction against the respondents, more particularly Hyderabad Metropolitan Water Supply & Sewerage Board for supplying potable, pollution free water to the residents of Hyderabad and to replace rusted, worn out, broken, faulty pipelines and to restore daily water supply to the residents of Hyderabad to evolve and submit master plan for improvement in the water supply system.

2. During the pendency of the petition, subsequent developments have taken place. Respondents have filed comprehensive affidavits. On behalf of 1st respondent, Sri M.G. Gopal, Managing Director, Hyderabad Metropolitan Water Supply & Sewerage Board, filed affidavit in January, 2002, and on behalf of 2nd respondent affidavit is filed by Sri N. Ramulu, Assistant Secretary to Government, Municipal Administration & Urban Development Department. The affidavit filed on behalf of 2nd respondent deals comprehensively with most of the issues and so far as Hyderabad is

concerned, as regards long term plans, it is stated that in order to meet the ever growing demand for water, Metro Board has prepared a project report for bringing water from Krishna river from SLBC canal of Akkampally balancing reservoir through a pipeline to be laid from Kodandapur village in Nalgonda District to Sahebnagar reservoir near B.N. Reddy colony at Hyderabad. This scheme involves pumping water in three stages. The estimated cost of the project is Rs.875 crores for laying a pipeline with a capacity to carry 90 million gallons of water per day and to pump 45 million gallons per day in the first phase within a period of two and half years from the date of financial clearance. The Government of Andhra Pradesh have accorded administrative sanction for Rs.875.00 crores vide G.O.Ms.No.559, Municipal Administration, dated 23.11.2001, for implementation of the project for augmentation of drinking water supply to the Hyderabad Metropolitan area from River Krishna through A.Madhav Reddy Canal (Akkampally Balancing Reservoir) and requested the Managing Director, HMWSSB., to go ahead with the execution of the project during the year 2001-2002 in anticipation of the term loan sanction and Bonds issue. In G.O.Ms.No.57, M.A. Department, dated 7.2.2002, the Government have also accorded approval for adoption of the qualification criteria in the bidding documents for various works of this project.

3. As regards potable drinking water, both affidavits deal comprehensively with the steps which have been taken to supply the residents of Hyderabad in sufficient quantity. It is stated that Board is in-charge of supply of water to twin cities and four Municipalities, namely, Gaddiannaram, LB Nagar, Kukatpally and Qutubullapur. In addition to this, the Board also supplies water in bulk quantity to Secunderabad Cantonment area, six surrounding Municipalities, namely, Rajendranagar, Serilingampally, Malkajgiri, Kapra, Uppal and Alwal and various other Gram Panchayats enroute to Manjira pipelines where the internal water supply and distribution is adopted by the authorities concerned. It is stated that raw water drawn from the sources is tested and is treated wherever treatment is found necessary. Details of the manner of treatment of raw water to make it potable have been stated in the affidavit with which we need not deal elaborately.

4 . Affidavit in reply also states about the steps being taken by the respondents for prevention of occurrence of gastro enteritis, for which various measures have been taken by the respondent – Board. Petitioner has not projected while making submissions on these aspects when the writ petition was taken up for consideration. His sole grievance now appears to be that the respondents must ensure restoration of daily supply of water. On that respondents have stated that presently with the availability of water, it is not possible to restore daily supply of water. The reasons assigned are that with all the substantial efforts, respondent – Board is able to supply only 170 million gallons of water per day as against the demand of 200 million gallons. Short supply is mostly because of the water supply infrastructure constraints and partly because of non-availability of enough raw water in the reservoirs and if daily supply of water is restored where it existed earlier, it will result in innumerable problems and the water may not even reach the majority of consumers at the tail ends of the distribution mains and the consumers at high level areas. Only to avoid hardship to the consumers, respondent – Board is not restoring daily water supply. Respondent – Board has gone to the extent of saying that consumers have almost become used to alternate day supply of water and it has inculcated a habit of conserving water which has become a world order on account of uncertainty of rainfalls.

5 . It is a matter of common knowledge that long term plan has since been implemented to some extent by bringing the water from River Krishna.

6. From the affidavit in reply, it cannot even be inferred that respondents are not aware of the problems of common citizens. It also cannot be said that respondents have not responded to the problems of the common citizens. We are satisfied that the steps taken by the respondents in making available potable water and respondents are aware of the problems being faced by the citizens. After all respondents have to work within the constraints which are numerous, namely, availability of finances and above all the availability of

raw water for being treated and to make available potable water to the citizens. We cannot issue direction to the respondents at present for restoration of daily water supply since issuing such direction would result in depriving water supply to majority of the people even on alternate days.

7. We do not see any ground to issue any direction to the respondents since we are satisfied with the steps taken by the respondents. Therefore, we will close this petition. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 09.08.2004.

VRK.

To

1 The Managing Director,Hyderabad Metropolitan Water Suply & Sewerage Board, Beside State Bank of India (Khairthabad Branch),Khairthabad,Hyderabad-500004 (A.P)

2 The Principal Secretary to Govt., Department of Municipal Administration, Secretariat, Saifabad, Hyderabad.

3. Two CCs to Govt. Pleader for Municipal Administration & Urban Development, High Court Buildings, Hyderabad (OUT).

4. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

5. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

6. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

7. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 10998 OF 2001.

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(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 09.08.2004.

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